

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	§ Chapter 11 Case
	§
Old LC, Inc., <i>et al.</i> <sup>1</sup>	§ Case No. 19-11791 (BLS)
	§
Debtors.	§ Jointly Administered

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Official Committee of Unsecured Creditors  
of Old LC, Inc., et al., for and on behalf of  
the estates of Old LC, Inc., et al.;

*Plaintiff,*

v.

Upfront V, LP, Breakwater Credit  
Opportunities Fund, L.P.; Upfront GP V,  
LLC; Mark Suster; Dana Kibler; Gregory  
Bettinelli; Saif Mansour; Aamir Amdani;  
Eric Beckman; Darrick Geant; and Joseph  
Kaczorowski

*Defendants.*

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§ Adv. No. 20-51002 (BLS)  
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§ **Re: Docket No. 123**  
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**FIRST AMENDED AGREED SCHEDULING ORDER**

To promote the efficient and expeditious disposition of this Adversary Proceeding, the following schedule shall apply pursuant to the agreement of the parties. This First Amended Agreed Scheduling Order amends and supersedes the Agreed Scheduling Order entered by the Court on September 23, 2021.

Counsel for all parties to this Adversary Proceeding have discussed various matters and reached an agreement on this First Amended Agreed Scheduling Order. The purpose of this order

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<sup>1</sup> The Debtors are the following four entities (the last four digits of their respective taxpayer identification numbers, if any, follow in parentheses): Old LC, Inc. (7119), Old LC Holdings, Inc., Old LCF, Inc., and Old LC Parent, Inc. The Debtors' noticing address in these Chapter 11 cases is c/o Bryan Cave Leighton Paisner LLP, Attn: Mark I. Duedall, 1201 W. Peachtree Street, 14<sup>th</sup> Floor, Atlanta, Georgia 30309.

is to set forth the deadlines that will control the progression of this case through discovery as it is prepared for trial.

**BY AGREEMENT OF THE PARTIES, IT IS HEREBY ORDERED** that:

1. The deadline to file any motion to amend or supplement the pleadings or to join parties to this Adversary Proceeding has passed.
2. All fact discovery shall be completed no later than **May 13, 2022**.
3. The parties shall confer and agree on the appointment of a mediator for this case no later than **March 4, 2022**. Mediation shall be completed no later than **June 30, 2022**.
4. A party desiring to offer expert testimony at trial on an issue on which that party has the burden of proof shall serve upon the other parties an expert disclosure and report in compliance with the Federal Rules of Bankruptcy Procedure (including, without limitation, Fed. R. Civ. P. 26(a)(2)(B)) and the local rules of this Court no later than **July 15, 2022**. A party desiring to offer expert testimony at trial on an issue on which an opposing party has the burden of proof shall serve upon the other parties an expert disclosure and report that complies with such rules no later than **August 15, 2022**. If, in response to the opinions disclosed in an opposing party's report, a party wishes to offer new expert opinions, not fairly disclosed in its original report, those new opinions must be disclosed in a rebuttal report served on opposing parties no later than **September 5, 2022**. For clarity, there is no requirement that a party file a rebuttal report for the mere purpose of contradiction or argument. Expert reports and disclosures will be served and not filed, and are not admissible in evidence except to the extent permitted by the Federal Rules of Evidence. All expert discovery shall be completed, and discovery shall close, by **September 30, 2022**.

5. All dispositive motions shall be filed and served by **October 14, 2022**, and shall be subject to Del. Bankr. L.R. 7007. All responses to dispositive motions shall be filed and served by **November 14, 2022**.

6. Deadlines contained in this Scheduling Order may be modified by agreement of the parties without need for further Order of this Court, except for modifications that would impact the Court's calendar, or they may be modified upon written motion for good cause shown. Specifically, the parties will schedule a final pretrial conference and trial date after the conclusion of fact discovery and dispositive motions.

Dated: March 1st, 2022  
Wilmington, Delaware



BRENDAN L. SHANNON  
UNITED STATES BANKRUPTCY JUDGE